

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

PASAFESHARE LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 6:20-cv-00397-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO LIFT STAY AND ENTER SCHEDULING ORDER

On July 7, 2022, the parties filed a joint motion to stay the case pending *ex parte* reexamination of the patents-in-suit, specifically, U.S. patent nos. 9,455,961; 9,615,116; and 10,095,848. Dkt. No. 52. The reexamination proceedings have concluded. The PTO issued reexamination certificates confirming the validity of each of the patents without amendment.

Accordingly, in view of the conclusion of the reexamination proceedings, Plaintiff paSafeShare LLC and Defendant Microsoft Corporation jointly move to lift the stay of the case and re-enter the schedule up to and including the trial of this matter as follows:

Proposed Deadline	Event
12/21/2022	Fact Discovery re-opens.
1/13/2023	Responses to previously-served discovery requests and begin rolling responsive document production. Microsoft makes previously-requested code available for inspection.
3/3/2022	Deadline to add parties.

3/09/2023	Deadline to serve Final Infringement Contentions. After this date, leave of Court is required for any amendment to Infringement. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after final contentions.
6/08/2023	Deadline to serve Final Invalidity Contentions. After this date, leave of Court is required for any amendment to Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
6/22/2023	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
6/29/2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
8/04/2023	Close of Fact Discovery.
9/12/2023	Opening Expert Reports.
10/12/2023	Rebuttal Expert Reports.
11/3/2023	Close of Expert Discovery.
11/9/2023	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.

11/21/2023	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
12/07/2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
12/21/2023	Serve objections to pretrial disclosures/rebuttal disclosures.
1/11/2024	Parties to jointly email the Court's law clerk (<i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.
1/11/2024	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
1/25/2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
2/8/2024	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
2/15/2024	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
3/8/2024	Final Pretrial Conference. Held in person unless otherwise requested.
3/18/2024 ^[11]	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the Markman Hearing.

[11] If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.

Dated: January 4, 2023

/s/ Sarah E. Fowler

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Respectfully submitted,

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